

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 713 - DNA Database (LSB 1117 HV)

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Fiscal Note Version - New

Description

Division I of House File 713 adds the following groups to the list of persons required to submit a DNA sample for DNA profiling: sexual predators as defined in Chapter 229.A, Code of Iowa; not guilty by reason of insanity for offenses that require DNA profiling; and juveniles adjudicated as delinquent for offenses that require DNA profiling of an adult offender. The Division also imposes a graduated system of penalties for criminal offenses related to DNA profiling. Division I takes effect upon enactment. Division II requires all convicted felons, including people who receive a deferred judgment for a felony, to submit a DNA sample. This Division is effective when sufficient funds have been appropriated or are first received to pay for the costs of conducting DNA profiling on samples taken from all convicted felons.

Background

1. In FY 2004, there were 212 juveniles adjudicated delinquent under the mandated offenses in Division I, and 282 adults, including those with deferred sentences. The number of sexually violent predators who would be tested in addition to the original offense cannot be determined, but is anticipated to be minimal. Insanity pleas are rare and are not likely to increase the number of tests.
2. The number of convicted felons and adjudicated juveniles who may have already been required to provide a DNA sample under current law is unknown at this time.
3. DNA sampling of all felons is not required until funding is available. DNA sampling of all felons would result in a significant expansion in the number of samples taken. For example, in FY 2004, 4,096 juveniles were adjudicated delinquent for felony offenses, and 8,479 adults were convicted of felony offenses.
4. The Department of Public Safety provides the DNA testing kits.

Assumptions

1. It is anticipated that the number of offenders providing DNA samples under HF 713 will be minimal.
2. The average State costs for one aggravated misdemeanor conviction ranges from \$1,100 to \$5,700.
3. The average State costs for one Class D felony conviction ranges from \$2,800 to \$12,000.
4. These estimates include court costs, indigent defense, probation, prison, and parole, if applicable. The maximum costs for both offenses will be incurred across multiple years while the offender is supervised in the correctional system.

Correctional Impact

The creation of a new offense carries the potential for a correctional impact on court caseloads, prisons, county jails, and Community-Based Corrections (CBC) resources. The correctional impact of HF 713 cannot be determined due to a lack of data. However, that impact is not anticipated to be significant.

Fiscal Impact

The fiscal impact of HF 713 cannot be estimated due to a lack of data. However, that impact is expected to be minimal. The increase in the number of offenders providing DNA samples under Division I of HF 713 is not significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJP)
State Public Defender
Judicial Branch
Department of Corrections
Department of Public Safety
Department of Human Services

/s/ Holly M. Lyons

March 22, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
